

**SUPREME COURT MINUTES  
WEDNESDAY, OCTOBER 17, 2001  
SAN FRANCISCO, CALIFORNIA**

S099667      Raul V. Aguilar, Plaintiff and Appellant  
1st Dist.      v.  
A091884      Esther R. Lerner, etc., Defendant and Respondent  
Div. 5      Petition for review GRANTED.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S099962      Alpha Therapeutic Corporation, Plaintiff and Appellant  
2nd Dist.      v.  
B134257      The Home Insurance Company et al., Defendants and Respondents  
B135081      And Companion Cases  
B138225      Petitions for review GRANTED.

B138843  
Div. 2

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S099999      City of Cotati, Plaintiff and Appellant  
1st Dist.      v.  
A092242      Gene Cashman et al., Defendants and Respondents  
Div. 2      Petition for review GRANTED.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.

S100198      The People, Plaintiff and Respondent  
3rd Dist.      v.  
C036029      Marvin Lee Ashburn, Defendant and Appellant

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Willis*, S079245 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S100657      Teresa Villafana et al., Plaintiffs and Appellants  
4th Dist.      v.  
D037267      Camco Pacific Construction Company Incorporated et al.,  
Div. 1      Defendants and Respondents

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Hooker v. California Dept. of Transportation*, S091601 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S069442      The People, Respondent

1st Dist.      v.

A074986      James R. Metters, Jr. et al., Appellants

Div. 2      The above-entitled review is hereby transferred to the Court of  
Appeal, First Appellate District, Division Two, with directions to  
vacate its decision and to reconsider the cause in light of *People*  
v. *Cleveland* (2001) 25 Cal.4th 466.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S073219      The People, Respondent

1st Dist.      v.

A077543      Guillermo Rodriguez, Appellant

Div. 4      The above-entitled review is hereby transferred to the Court of  
Appeal, First Appellate District, Division Four, with directions to  
vacate its decision and to reconsider the cause in light of *People*  
v. *Cleveland* (2001) 25 Cal.4th 466.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S081019      The People, Respondent

2nd Dist.      v.

B120617      Alexander Boddie, Appellant

Div. 1      The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Cleveland* (2001) 25 Cal.4th 466 and *People v. Jefferson* (1999) 21 Cal.4th 86.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S081565      The People, Respondent

4th Dist.      v.

E021958      Elias Guerrero Nava, Appellant

Div. 2      The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and to reconsider the cause in light of *People v. Cleveland* (2001) 25 Cal.4th 466.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S086289      The People, Respondent  
4th Dist.          v.  
E021559      Kerry Parker, Jr., Appellant  
Div. 2

The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and to reconsider the cause in light of *People v. Cleveland* (2001) 25 Cal.4th 466.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S086456      The People, Respondent  
1st Dist.          v.  
A081424      Felix Hightower, Appellant  
Div. 4

The above-entitled review is hereby transferred to the Court of Appeal, First Appellate District, Division Four, with directions to vacate its decision and to reconsider the cause in light of *People v. Cleveland* (2001) 25 Cal.4th 466.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S088093      The People, Respondent

2nd Dist.      v.

B127941      Peter Luis Montalvo et al., Appellants

Div. 2      The above-entitled review is hereby transferred to the Court of  
Appeal, Second Appellate District, Division Two, with directions to  
vacate its decision and to reconsider the cause in light of *People*  
v. *Cleveland* (2001) 25 Cal.4th 466.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S090232      The People, Plaintiff and Respondent

2nd Dist.      v.

B133309      Clarence Shawn Smith, Defendant and Appellant

Div. 5      The above-entitled review is hereby transferred to the Court of  
Appeal, Second Appellate District, Division Five, with directions to  
vacate its decision and to reconsider the cause in light of *People*  
v. *Cleveland* (2001) 25 Cal.4th 466.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S092122      The People, Plaintiff and Respondent

2nd Dist.      v.

B131358      Regulo Orozco, Defendant and Appellant

Div. 3      The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *People v. Cleveland* (2001) 25 Cal.4th 466.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S094336      The People, Plaintiff and Respondent

2nd Dist.      v.

B132682      Francisco Javier Medina, Defendant and Appellant

Div. 1      The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Cleveland* (2001) 25 Cal.4th 466.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S071279      The People, Respondent

2nd Dist.          v.

B099630      Leroy Clark et al., Appellants

Div. 7          Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Seven.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S075588      The People, Respondent

5th Dist.          v.

F027938      Joel Fuentes, Sr., Appellant

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fifth Appellate District.

Baxter, J., was recused and did not participate.

George, C.J.

Kennard, J.

Werdegar, J.

Chin, J.

Brown, J.



S077469      The People, Respondent  
4th Dist.          v.  
D028490      Abigail Odam, Appellant

D029822      -----  
Div. 1          In re Abigail Odam on Habeas Corpus

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fourth Appellate District, Division One.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S078176      The People, Respondent  
1st Dist.          v.  
A079282      Darwin Michael Peterson et al., Appellants  
Div. 1

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, First Appellate District, Division One.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S078755      The People, Respondent

2nd Dist.      v.

B120137      Joey Porfirio Baca et al., Appellants

Div. 2      Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Two.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S083265      The People, Respondent

2nd Dist.      v.

B125169      Marcus Ray Rowland, Appellant

Div. 4      Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Four.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S084028      The People, Respondent

2nd Dist.      v.

B129718      Cameron Hughes, Appellant

Div. 1      Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division One.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S090153      The People, Plaintiff and Respondent

4th Dist.      v.

G024125      Christina Renee Khan, Defendant and Appellant

Div. 3      Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fourth Appellate District, Division Three.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S081120      In re Gerald Frank Stanley  
                    on  
                    Habeas Corpus

THE COURT:

Good cause appearing, it is ordered:

The Honorable Verna A. Adams, Judge of the Marin Superior Court, is appointed to sit as referee in this proceeding and shall take evidence and make findings of fact on the following questions:

1. Is Gerald Frank Stanley mentally competent to withdraw his petition for writ of habeas corpus under the standard set out by the United States Supreme Court in *Rees v. Payton* (1966) 384 U.S. 312, 314 (“whether [the prisoner] has capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation or on the other hand whether he is suffering from a mental disease, disorder, or defect which may substantially affect his capacity . . .”)?

2. Has Stanley made a knowing, intelligent, and voluntary waiver of his right to proceed? (See *Whitmore v. Arkansas* (1990) 495 U.S. 149, 165.)

The Attorney General and counsel appointed for Stanley, the Federal Public Defender, may participate in the hearing. Separate counsel may be appointed for Stanley if he so requests. The referee may appoint experts in the fields of psychiatry and psychology to examine and test Stanley and to testify at the hearing before the referee. (See *Rees v. Payton*, *supra*, 384 U.S. at pp. 313-314; *Mason v. Vasquez* (9th Cir. 1993) 5 F.3d 1220, 1221-1224.) The referee shall make findings whether Stanley's competence is established by a preponderance of the evidence. (*Mason v. Vasquez*, *supra*, at p. 1225.) After the hearing, the referee shall promptly make the required findings and transmit those findings to this court with the record of the hearing, including all exhibits.

S090076 The People, Plaintiff and Respondent  
6th Dist. v.  
H016871 Say Sengpadychith, Defendant and Appellant

In re Say Sengpadychith on Habeas Corpus  
Petition for rehearing DENIED.  
Opinion modified.

S068360      In re William A. Noguera  
                 on  
                 Habeas Corpus

The petition for writ of habeas corpus filed March 3, 1998 (S068360) is denied. All claims are denied on the merits. All claims except claim 32 are denied as untimely. (*In re Robbins* (1998) 18 Cal.4th 770; *In re Clark* (1993) 5 Cal.4th 750.)

The following claims are denied because they were raised and rejected on appeal: 17, 18, 19. (*In re Harris* (1993) 5 Cal.4th 813, 834; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

The following claims are denied because they could have been but were not raised on appeal: 3, 10, 11, 12, 13, 16, 20, 29, 30. (*In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Brown, J., would deny the petition solely on the merits.

Petitioner's motion for ruling on the petition is denied as moot.

1st Dist.      First Lieutenant Andrew Holmes et al., Plaintiffs,  
A083451      Respondents and Appellants  
A085180      v.  
Div. 3      California National Guard et al., Defendants,  
S099548      Appellants and Respondents  
                 Petition for review DENIED.

1st Dist.      Napa Citizens for Honest Government et al.,  
A089095      Plaintiffs and Appellants  
Div. 1      v.  
S100547      Napa County Board of Supervisors, Defendant and Appellant  
                 Petition for review DENIED.  
                 The request for an order directing depublication of the opinion is  
                 denied.

1st Dist.      People, Respondent  
A090705      v.  
Div. 4      Cornelius Ahmal Wigfall, Appellant  
S100067      Petition for review DENIED.

1st Dist. People, Respondent  
A091092 v.  
Div. 5 Sioeli Ponitini, Appellant  
S100512 Petition for review DENIED.

1st Dist. People, Respondent  
A091845 v.  
Div. 4 Jose Gamez, Appellant  
S100590 Petition for review DENIED.

1st Dist. People, Respondent  
A092196 v.  
Div. 4 Dennis Paul Sapp, Appellant  
S100106 Petition for review DENIED.

1st Dist. America Online, Inc., Petitioner  
A092813 v.  
Div. 2 Alameda County Superior Court, Respondent  
S099460 Al Mendoza, Jr. et al., Real Parties in Interest  
Petition for review DENIED.  
Kennard, J., is of the opinion the petition should be granted.  
The request for an order directing depublication of the opinion is denied.

1st Dist. Arlene Robertson, Petitioner  
A093924 v.  
Div. 2 Marin County Superior Court, Respondent  
S100322 Peter S. Brooks, Individually and as Personal Representative, etc.,  
Real Party in Interest  
Petition for review DENIED.  
Kennard, J., is of the opinion the petition should be granted.

1st Dist. Mattaniah Eytan, Petitioner  
A095554 v.  
Div. 5 San Francisco County Superior Court, Respondent  
S099461 Lasalle Partnes Management et al., Real Parties in Interest  
Petition for review DENIED.

1st Dist. Juan Miguel Perez, Petitioner  
A095864 v.  
Div. 1 San Mateo County Superior Court, Respondent  
S100027 People, Real Party in Interest  
Petition for review DENIED.

1st Dist. Regina L. Rosenthal, Petitioner  
A096204 v.  
Div. 5 Marin County Superior Court, Respondent  
S101070 David D. Thomas et al., Real Parties in Interest  
Application for stay and petition for review DENIED.

2nd Dist. In re Ruben G., a Person Coming Under the Juvenile Court Law  
B119341 -----  
Div. 1 People, Respondent  
S099469 v.  
Ruben G., Defendant and Appellant  
Petition for review DENIED.

2nd Dist. Raul Lopez et al., Appellants  
B125934 v.  
Div. 1 Miguel Rios Sanchez et al., Respondents  
S100443 Petition for review DENIED.

2nd Dist. People, Respondent  
B126854 v.  
Div. 6 Oscar Garcia et al., Appellants  
S100081 Petitions for review DENIED.

2nd Dist. People, Respondent  
B130995 v.  
Div. 3 Rodrigo Lopez Escamilla, Appellant  
S100527 Petition for review DENIED.

2nd Dist. People, Respondent  
B136451 v.  
Div. 6 Sergev Fed Yarikov, Appellant  
S100518 Petition for review DENIED.

2nd Dist. Jerry B. Athans, Individually and as Administrator, etc. et al.,  
B137788 Plaintiffs, Cross-defendants and Appellants  
Div. 1 v.  
S100635 Simke, Chodos, Silberfeld & Anteau, Inc., et al.,  
Defendants, Cross-complainants and Respondents  
And Companion Cases  
Petition for review DENIED.

2nd Dist. People, Respondent  
B138155 v.  
Div. 2 Juan Jose Villarreal, Appellant  
S099887 Petition for review DENIED.

2nd Dist. Estate of Paul Jane Galloway, Deceased  
B139087 -----  
Div. 1 Randy Shatz, Petitioner and Respondent  
S100655 v.  
William M. Champagne, as Administrator, etc.,  
Objector and Appellant  
Petition for review DENIED.

2nd Dist. Arthur Hanson, Plaintiff and Appellant  
B139258 v.  
Div. 3 Eduardo Yanes et al., Defendants and Respondents  
S100446 Petitions for review DENIED.

2nd Dist. People, Respondent  
B139636 v.  
Div. 3 Ronald Kenneth Rowen, Defendant and Appellant  
S100564 Petition for review DENIED.

2nd Dist. People, Respondent  
B140310 v.  
Div. 1 Jesse Ruben Ceja, Appellant  
S099661 Petition for review DENIED.

2nd Dist. People, Respondent  
B140323 v.  
Div. 3 Steven Arthur Vasquez et al., Appellants  
S100145 Petitions for review DENIED.



2nd Dist. B141370 Div. 7 S100670	In re Danone W., a Person Coming Under the Juvenile Court Law ----- Dept. of Children & Family Svcs., Plaintiff and Respondent v. Gloria W., Objector and Appellant Petition for review DENIED.
2nd Dist. B141410 Div. 3 S100406	Norman Whitaker, et al., Appellants v. Fire Insurance Exchange, et al., Respondents Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
2nd Dist. B141782 Div. 6 S100090	People, Respondent v. Jose F. Rodriguez, Appellant Petition for review DENIED.
2nd Dist. B142453 Div. 3 S100643	People, Respondent v. Feliciano Mendoza, Appellant Petition for review DENIED.
2nd Dist. B142723 Div. 2 S100646	People, Respondent v. Richard Gallon, Appellant Petition for review DENIED.
2nd Dist. B142931 Div. 2 S100637	People, Respondent v. Faustino Loza, Appellant Petition for review DENIED.
2nd Dist. B143083 Div. 3 S100636	People, Respondent v. Charles Antwan McClain, Defendant and Appellant Petition for review DENIED.

2nd Dist. People, Respondent  
B143389 v.  
Div. 3 Stephen Debouver, Appellant  
S100587 Petition for review DENIED.

2nd Dist. Larry McIntyre, Appellant  
B144038 v.  
Div. 6 Santa Barbara County Employees Retirement System,  
S100495 Board of Retirement, Respondent  
Petition for review DENIED.

2nd Dist. People, Respondent  
B144204 v.  
Div. 1 Eric Traylor et al., Appellants  
S100546 Petitions for review DENIED.

2nd Dist. Craig A. Mobley, Plaintiff and Appellant  
B144531 v.  
Div. 4 Los Angeles Unified School District, Respondent  
S100364 Petition for review DENIED.  
The request for an order directing depublication of the opinion in  
the above-entitled appeal is denied.

2nd Dist. In re Victor P., a Person Coming Under the Juvenile Court Law  
B144644 -----  
Div. 3 People, Respondent  
S100723 v.  
Victor P., Appellant  
Petition for review DENIED.

2nd Dist. 20th Century Insurance Company, Petitioner  
B147464 v.  
Div. 3 Los Angeles County Superior Court, Respondent  
S100366 Linda P. Ahles, Real Party in Interest  
Petition for review DENIED.

2nd Dist. Deauville Restaurant, Inc., Petitioner  
B148105 v.  
Div. 7 Los Angeles County Superior Court, Respondent  
S100129 Lawrence N. Taylor et al., Real Parties in Interest  
Application for stay and petition for review DENIED.  
Chin, J., is of the opinion the petition should be granted.  
The request for an order directing depublication of the opinion is denied.

2nd Dist. In re Faustino Loza  
B150123 on  
Div. 2 Habeas Corpus  
S100715 Petition for review DENIED.

2nd Dist. Union Oil Company of California, Petitioner  
B152120 v.  
Div. 5 Los Angeles County Superior Court, Respondent  
S100433 Shell Oil Company, Real Party in Interest  
Petition for review DENIED.

2nd Dist. Mark S. Sokolsky, Petitioner  
B152231 v.  
Div. 4 Los Angeles County Superior Court, Respondent  
S100671 People, Real Party in Interest  
Petition for review DENIED.

2nd Dist. RPS Inc., Petitioner  
B152232 v.  
Div. 1 Los Angeles County Superior Court, Respondent  
S100230 Anthony Estrada et al., Real Parties in Interest  
Petition for review DENIED.

2nd Dist. Rochelle Sterling, Petitioner  
B152578 v.  
Div. 5 Los Angeles County Superior Court, Respondent  
S100675 Santa Monica Collection II, Real Party in Interest  
Petition for review DENIED.

2nd Dist. Korean Philadelphia Presbyterian Church, Respondent  
B152621 v.  
Div. 4 James Insoo Cho, Appellant  
S100864 Application for stay and petition for review DENIED.

3rd Dist. People, Respondent  
C028788 v.  
S099640 Willie Bailey, III et al., Appellants  
Petition for review DENIED.

3rd Dist. People, Respondent  
C032142 v.  
S099972 Gregory Fields, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C033510 v.  
S099877 Alan David Chappel, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C034172 v.  
S100513 William Joseph Bryan, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C035240 v.  
S100010 Dan John Elsom, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C035676 v.  
S100548 Randy Lee Vega, Appellant  
Petition for review DENIED.  
Kennard, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent  
C036053 v.  
S100616 Raymond Lee, Appellant  
Petition for review DENIED.

3rd Dist. C036239 S100000	People, Appellant v. David Player, Appellant Petition for review DENIED.
3rd Dist. C038350 S099815	In re Peter Van Emmenis on Habeas Corpus Petition for review DENIED.
4th Dist. D036744 Div. 1 S099534	City of San Diego, Petitioner v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
4th Dist. D038497 Div. 1 S100304	Margaret Bennett et al., Petitioners v. San Diego County Superior Court, Respondent Nicolas Retana et al., Real Parties in Interest Petition for review DENIED.
4th Dist. E027363 E029030 Div. 2 S099912	People, Respondent v. Lonnie Donnell Chatman, Appellant ----- In re Lonnie Donnell Chatman on Habeas Corpus Petition for review DENIED.
2nd Dist. E027650 Div. 2 S100015	People, Respondent v. Matthew Anthony Wade, Appellant Petition for review DENIED.
2nd Dist. E027890 Div. 2 S100238	People, Respondent v. Buddy Eugene Pollard, Appellant Petition for review DENIED.

4th Dist. E028104 Div. 2 S100029	People, Respondent v. Kevin Alexander Weathers, Appellant Petition for review DENIED.
4th Dist. E029914 Div. 2 S100174	Josep Alfred Cano, Petitioner v. Riverside County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED.
4th Dist. G026821 Div. 3 S099974	People, Respondent v. Armando Martinez, Appellant Petition for review DENIED.
4th Dist. G029483 Div. 3 S100369	Mitchell Anthony Margaretich, Petitioner v. Orange County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED.
5th Dist. F034356 S100570	People, Respondent v. Alvin Carnail West, Appellant Petition for review DENIED.
5th Dist. F034459 S100609	People, Respondent v. Russell Adair Brucker, Appellant Petition for review DENIED.
5th Dist. F034581 S100516	People, Respondent v. Frank Carrillo Bonilla, Appellant Petition for review DENIED.
5th Dist. F034800 S099589	In re Anna Vandeford on Habeas Corpus Petition for review DENIED.

5th Dist. F035354 S100519	People, Respondent v. Lucadio Torres Valdovinos, Appellant Petition for review DENIED.
5th Dist. F035793 S100574	People, Respondent v. David Lynn Stephens, Appellant Petition for review DENIED. Baxter, J., was recused and did not participate.
5th Dist. F036701 S100593	People, Respondent v. Don Glen Price, Appellant Petition for review DENIED.
6th Dist. H020611 S099527	People, Respondent v. Ben Phillip Banuchi, Appellant Petition for review DENIED.
6th Dist. H020716 S100572	People, Respondent v. Terence Alan Burton, Appellant Petition for review DENIED.
6th Dist. H021814 S100565	People, Respondent v. Soeur Sang, Appellant Petition for review DENIED.
6th Dist. H022576 S100074	People, Respondent v. Kenneth Wright, Appellant Application for stay and petition for review DENIED.
6th Dist. H022890 S100112	In re Fred L. Baker on Habeas Corpus Petition for review DENIED.

- 6th Dist. H023354 S100320 Hames Construction Inc., Petitioner  
v.  
Santa Clara County Superior Court, Respondent  
Frank Donaldson et al., Real Parties in Interest  
Petition for review DENIED.
- 6th Dist. H023503 S101225 John Ngoc Huynh, Petitioner  
v.  
Santa Clara County Superior Court, Respondent  
People, Real Party in Interest  
Application for stay and petition for review DENIED.
- 6th Dist. H023527 S100880 Roy Dorado, Petitioner  
v.  
Monterey County Superior Court, Respondent  
People, Real Party in Interest  
Application for stay and petition for review DENIED.
- 2nd Dist. B142031 Div. 5 S100515 Diane McGann, Appellant  
v.  
Massey Chevrolet-Geo Incorporated, Respondents  
The requests for an order directing publication of the opinion in the above-entitled appeal are denied.
- S011636 People, Respondent  
v.  
James Nelson Blair, Appellant  
Based on counsel's representation that he anticipates filing the opening brief by January 31, 2002, the application of appellant for an extension of time to file the appellant's opening brief, is granted to November 27, 2001. After that date, only one further extension of time is contemplated.
- S028970 People, Respondent  
v.  
Richard Stitely, Appellant  
For good cause shown, and in light of counsel's representation that the respondent's brief will be filed on or before January 16, 2002, the request for an extension of time to file the respondent's brief is granted to December 17, 2001.



S037302 People, Respondent

v.

Eric Lamont Hinton, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including December 17, 2001.

S054372 People, Respondent

v.

Dennis Newton Ervine, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including December 17, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to serve a copy of the record correction motion on the Supreme Court upon its filing in the trial court.

S059653 People, Respondent

v.

Jeffrey Jon Mills, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including December 17, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to serve a copy of the record correction motion on the Supreme Court upon its filing in the trial court.

S096088 Whitmore Union Elementary School District, Appellant

v.

County of Shasta, et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including November 19, 2001.

S036105 People, Respondent

v.

Cleophus Prince, Jr., Appellant

Appellant's "Motion to have the court review sealed materials and determine whether they should remain sealed and/or under what conditions they should be released to appellate counsel," filed December 18, 2000, is granted in part and denied in part.

Appellant's motion is granted in the following respects: The

clerk is directed to unseal the following passages of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and respondent:

1. Reporter's Transcript 20-A, pages 941A-949A (Feb. 11, 1993).
2. Reporter's Transcript 78-A, pages 8371-8378 (June 7, 1993).
3. Reporter's Transcript 79-A, pages 8391-8401 and 8433-8469 (June 8, 1993).
4. Reporter's Transcript 80-A, pages 8531-8534 and 8614-8618 (June 9, 1993).

The clerk also is directed to unseal the following passages of the clerk's transcript on appeal (containing copies of documents and materials referred to and discussed at the hearings set forth above), and is further directed to transmit a copy thereof to appellant and respondent: Clerk's Transcript 59 (in its entirety) and Clerk's Transcript 60, pages 12501-12556.

In all other respects, appellant's motion is denied.

S037302

People, Respondent

v.

Eric Lamont Hinton, Appellant

Good cause appearing, the application of appointed counsel Jay L. Lichtman for the appointment of associate counsel, filed September 17, 2001, is granted.

Tracy J. Dressner is hereby appointed as associate counsel to represent appellant Eric Lamont Hinton for both the direct appeal and related state habeas corpus/executive clemency proceedings in the above automatic appeal now pending in this court.

S096988

People, Respondent

v.

Oday Mounsaveng, Appellant

Upon request of appellant for appointment of counsel, Jim Fahey is hereby appointed to represent appellant on his appeal now pending in this court.

S101393      Hoang Nhaat Tran, Petitioner

v.

Los Angeles County Superior Court, Respondent

People, Real Party in Interest

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

